IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8278 OF 2004

Shriniwas Y.Ghate .. Petitioner.
Vs.
Shashikala Shriniwas Ghate .. Respondent.

Mr.D.B.Salvi for the petitioner.
Ms.Veena Gowda for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 26TH OCTOBER, 2004

P.C.:

. Heard Mr.Salvi, learned counsel for the petitioner and Ms.Gowda, learned counsel for the respondent.

2. This petition is directed against the following order passed by the Family Court:

> "Issues are already framed by this court. I have perused the draft issues which are produced by the Respondent. Since all the material propositions affirmed by the Petitioner & denied by the Respondent are considered while framing the issues, I do not see any reason to recast the issues.

Hence order. Application is rejected".

3. I perused the issues framed by the family court and the draft issues presented by the petitioner. The civil court is conferred with sufficient powers to amend, strike out the issues or frame additional issues as may be necessary for determining the matters in controversy between the parties before passing a decree under Rule 5 of Order 15 of the Civil Procedure Code. Keeping that in view and considering the impugned order and draft issues, in my opinion, no interference is called for in the impugned order in extremely limited jurisdiction of this court under Article 227 of the Constitution. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)